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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,157	01/02/2004	Leonard Cech	120485	1527
27885	7590	04/04/2006		
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114				EXAMINER CANNING, ANTHONY J
				ART UNIT 2879 PAPER NUMBER

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/751,157	CECH ET AL.	
	<b>Examiner</b> Anthony J. Canning	<b>Art Unit</b> 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 9 January 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Acknowledgement of Amendment*

1. The amendment to the instant application was entered on 9 January 2006.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 9-12, 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Spero (U.S. 2004/0105264 A1).

4. As to claim 1, Spero discloses a lighting assembly including: a housing defining a hollow chamber having an open top (see Fig. 4, item 51; paragraph 0125; see Fig. 2B, item 24; paragraph 0111; the lighting elements are fitted in the hollow housing and because wiring to circuitry enters the housing there is an open space through which the wiring enters the housing); a circuit housing covering the open top of the housing (see Fig. 2B, items 17 and 19; 0111); an organic light emitting diode (OLED) light source mounted in the housing (see Fig. 4, item 50; paragraph 0125, an SLS is a solid-state lighting source, which can be an organic light-emitting diode according to paragraph 0064); a power source for the OLED (see Fig. 4, item 52;

paragraph 0126); and a light transmissive portion of the housing allowing light from the OLED light source to pass there through (paragraph 0125).

5. As to claim 3, Spero discloses the lighting assembly of claim 1 wherein the power source further includes a photovoltaic panel for generating electrical energy from ambient light (paragraph 0127).

6. As to claim 4, Spero discloses the lighting assembly of claim 1 wherein the power source includes a light sensor for selectively disconnecting the power source with the OLED in response to a predetermined level of ambient light (paragraph 0127).

7. As to claim 5, Spero discloses the lighting assembly of claim 1 further including a reflector received in the housing for directing light from the OLED light source toward the light transmissive portion of the housing (paragraph 0141; the reflector is between the transparent and opaque substrates and is therefore received in the housing).

8. As to claim 9, Spero discloses the lighting assembly of claim 1 wherein the OLED is located at a first end of the housing and a diffuser is located at a second end of the housing (see Fig. 3B, items 31 and 37; paragraph 0120 and 0121).

9. As to claim 10, Spero discloses the lighting assembly of claim 1 wherein the power source includes a photovoltaic panel for generating electrical energy from ambient light and providing low voltage on the order of 12 volts for outdoor landscape lighting (paragraph 0127 says that the power usage is very low for the outdoor solar powered light; paragraph 0097 says that the voltage used for the lighting apparatus is between 12-24 volts).

10. As to claim 11, Spero discloses the lighting assembly of claim 10 further including a rechargeable battery that is selectively charged by the photovoltaic panel (paragraph 0148; the

power source consists of a solar cell and batteries, the batteries must be charged by the solar cell or the solar cell, to make use of solar energy) and a light sensor that selectively connects the power source with the OLED in response to a predetermined level of ambient light (paragraph 0127).

11. As to claim 12, Spero discloses an outdoor landscape lighting assembly including: a housing defining a hollow chamber having an open top (see Fig. 4, item 51; paragraph 0125; see Fig. 2B, item 24; paragraph 0111; the lighting elements are fitted in the hollow housing and because wiring to circuitry enters the housing there is a open space through which the wiring enters the housing); a circuit housing covering the open top of the housing (see Fig. 2B, items 17 and 19; 0111); an organic light emitting diode (OLED) light source mounted in the housing and sealed from the external environment housing (see Fig. 4, item 50; paragraph 0125, an SLS is a solid-state lighting source, which can be an organic light-emitting diode according to paragraph 0064); a low power source for the OLED including a photovoltaic panel for selectively charging a rechargeable battery (paragraph 0148; the power source consists of a solar cell and batteries, the batteries must be charged by the solar cell or the solar cell, to make use of solar energy); and a light transmissive portion of the housing allowing light from the OLED light source to pass there through (see Fig. 3B, item 37; paragraph 0121).

12. As to claim 14, Spero discloses the outdoor landscape lighting assembly of claim 12 wherein the power source includes a light sensor for selectively disconnecting the power source with the OLED in response to a predetermined level of ambient light (paragraph 0127).

13. As to claim 18, Spero discloses the outdoor landscape lighting assembly of claim 12 wherein the OLED is located at a first end of the housing and a diffuser is located at a second end of the housing (see Fig. 3B, items 31 and 37; paragraph 0120 and 0121).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 2, 6-8, 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spero (U.S. 2004/0105264 A1) in view of Roberge et al. (U.S. 2005/0128751 A1).

16. As to claims 2 and 13, Spero discloses the lighting assembly of claims 1 and 12 further including a diffuser interposed between the OLED light source and the light transmissive portion

for diffusing the light received from the OLED (see Fig. 3B, item 37; paragraph 0121). Spero fails to disclose that the diffuser is mounted inside the housing.

Roberge et al. disclose a lighting assembly wherein the diffuser is situated within the housing (see Fig. 12, items 502 and 1204; paragraph 189; the sign is the housing). Roberge et al. further disclose that this provides even illumination (paragraph 0145).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the lighting assembly of Spero to include that the diffuser is mounted in the housing, as taught by Roberge et al., for even illumination.

As to claims 6 and 15, Spero discloses the lighting assembly of claims 1 and 12. Spero fails to disclose a reflector for directing light from the OLED light source toward a diffuser interposed between the OLED light source and the light transmissive portion.

Roberge et al. discloses a lighting assembly with a reflector received in a diffuser for directing light from the OLED light source toward a diffuser interposed between the OLED light source and the light transmissive portion (see Fig. 5, item 600; paragraph 0145). Roberge et al. further disclose that this provides even illumination (paragraph 0145).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the lighting assembly of Spero to include a reflector for directing light from the OLED light source toward a diffuser interposed between the OLED light source and the light transmissive portion, as taught by Roberge et al., for even illumination.

17. As to claims 7 and 16, Spero discloses a lighting assembly of claims 1 and 12. Spero fails to disclose that the diffuser is a hollow cylinder enclosing the OLED.

Roberge et al. disclose a lighting assembly with a diffuser that is a hollow cylinder enclosing the OLED (see Fig. 5; paragraph 0145). Roberge et al. further disclose that the hollow cylinder can contain a reflector to provide even illumination (paragraph 0145).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the lighting assembly of Spero to include that the diffuser is a hollow cylinder enclosing the OLED, as taught by Roberge et al., to provide even illumination.

18. As to claims 8 and 17, Spero and Roberge et al. discloses the lighting assembly of claims 7 and 16. Roberge et al. further disclose that the OLED is located at first end of the cylinder and a reflector is located at a second end thereof (see Fig. 5, item 502; see Fig. 3, item 300; paragraph 0145). Roberge et al. also disclose that this provides even illumination of light (paragraph 0145).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the lighting assembly of Spero to include that the OLED is located at first end of the cylinder and a reflector is located at a second end thereof, as taught by Roberge et al., to provide even illumination.

#### ***Response to Arguments***

19. The examiner acknowledges amendments to claims 1, 2, 5, 7, 12, 13, and 15.
20. In light of the amendment to the claims the examiner has given a new rejection.

***Final Rejection***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Canning whose telephone number is (571)-272-2486. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D. Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Canning *al*

16 March 2006

*Ashok*  
ASHOK PATEL  
PRIMARY EXAMINER